

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JORDAN N. MITCHELL,)	
)	
Plaintiff,)	
)	
v.)	1:22CV67
)	
GUILFORD COUNTY DETENTION)	
CENTER, et al.,)	
)	
Defendants.)	

ORDER

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on March 24, 2022, was served on the parties in this action. (Docs. 4, 5.) Plaintiff objected to the Recommendation. (Doc. 7.)

In his objections, the Plaintiff used vulgarity to demean the Magistrate Judge. While Justice John Marshall Harlan, II, noted that "one man's vulgarity is another man's lyric," it is a truism, as German philosopher Arthur Schopenhauer observed, that vulgarity is merely "will minus intellect." Litigants are entitled to disagree with a court's decision, and no doubt courts make mistakes - that is why, in part, we have appellate review. But it is a "time honored notion that the law and the courts of the United States are important parts of American society worthy of respect." Theriault v. Silber, 579 F.2d 302, 303 (5th Cir. 1978) (dismissing appeal for "vile and insulting references to the trial judge").

Plaintiff must conduct himself uprightly with respect for the judicial process, even when he disagrees with a ruling. Cases are to be argued on their merits, and they will be decided on their merits. Attacking the judicial officer - here the United States Magistrate Judge - is wholly unacceptable and will not be tolerated. Plaintiff is warned against further personal attacks on the Magistrate Judge or any judicial officer of the federal courts. The court will consider dismissal of any claim as a sanction for such unacceptable conduct, where appropriate.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objections were made and has made a *de novo* determination in accord with the Magistrate Judge's report.* The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that this action is filed and dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which is accompanied by the applicable \$402.00 filing fee.

A Judgment dismissing this action will be entered contemporaneously with this Order.

April 7, 2022

/s/ Thomas D. Schroeder
United States District Judge

* Plaintiff also filed a supplement (Doc. 6), which does not alter the analysis in the Recommendation.